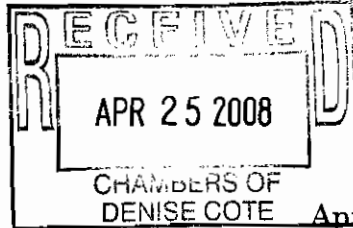


MEMO ENDORSED

FRYER & ROSS LLP
 551 FIFTH AVENUE
 NEW YORK, N.Y. 10176

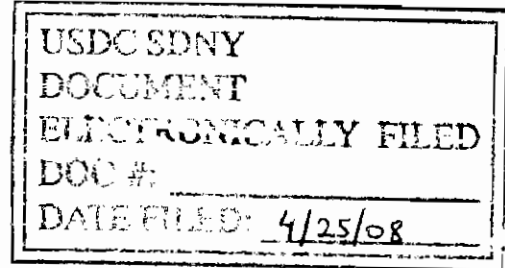
GERALD E. ROSS
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April 24, 2008

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Hon. Denise L. Cote
 Southern District of New York
 United States District Court
 500 Pearl Street
 New York, NY 10007



Re: *Lopes v. Mellon Investor Services et al.*; 07 CV 5928 (DLC), ECF Case

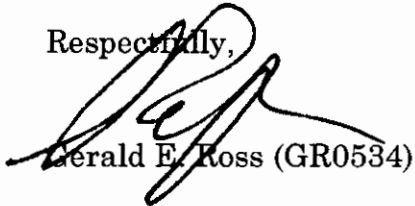
Dear Judge Cote,

My firm represents the plaintiff in the above captioned action. My client claimed that the defendants are liable to him for mis-delivery of a \$95,000 check intended for him that he never received. The case is scheduled for a final pre-trial conference on May 5.

I write to report that all parties have agreed to a settlement of the claim and counsel have agreed upon a form of settlement agreement. Upon consummation of the settlement, we will file a stipulation of discontinuance.

It may take a few more weeks to get the settlement agreement signed, mainly because my client resides in Brazil and will have to execute his counterpart before a consular official or affix an apostille to his acknowledgment. Therefore I would appreciate it if the Court would keep the case open for the time being.

Respectfully,


 Gerald E. Ross (GR0534)

Copy by e-mail to:

Mark Harmon, Esq., Hodgson Russ,
 attorneys for defendant Mellon Investor Services

Sheila E. Carson, Esq., attorney for defendant JPMorgan Chase

John P. Foudy, Rosner, Nocera & Ragone LLP,
 attorneys for cross-claim defendant Wachovia Bank, N.A.

The Pretrial Order was due April 20. When it was not submitted, this chambers contacted counsel, and this letter followed. The trial has been scheduled for May 12. If the parties do not submit the Pretrial Order documents by May 2, the case will be dismissed for failure to prosecute unless a stipulation of dismissal is received by that date.

*Denise Cote
 April 25, 2008*